

*Refiled  
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5/12/04*

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

DALE SYLVARIA  
Plaintiff

v.

C.A. NO. 03-12446-EFH

COASTLINE ELDERLY SERVICES, INC.,  
Defendant

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Plaintiff, Dale Sylvaria (“Sylvaria”) and Defendant Coastline Elderly Services, Inc. (“Coastline”) submit the following proposed pre-trial schedule and discovery plan in accordance with Local Rule 16.1(D).

A. **DISCOVERY PLAN**

The Parties propose the following with respect to the discovery schedule and the filing of dispositive motions.

- (i) Discovery on all issues should be completed by December 31, 2004; ; the Parties do not deem it necessary to conduct phased discovery at this time;
- (ii) There shall be no changes to Fed. R. Civ. P. 30(a), 31, 33 and 34 with respect to the discovery events described in those rules;

- (iii) All dispositive motions should be filed with Court on or before January 31, 2005;
- (iv) The parties request a pre-trial conference by March 1, 2005, and a trial date by May 1, 2005.

B. TRIAL BY MAGISTRATE JUDGE

Pursuant to Local Rule 16.1(B)(3), the Parties consent to trial by magistrate judge.

C. CERTIFICATION OF CONFERENCE

Counsel for the Plaintiff hereby certifies that he has conferred with his client with a view to establishing a budget for the costs of conducting the full course of the litigation and to consider the resolution of the litigation through the use of alternative dispute resolution programs. Plaintiff's certification signed by Plaintiff will be filed at the conference or under separate cover.

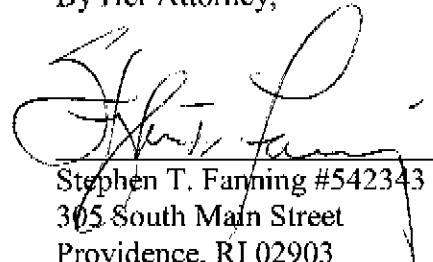
Counsel for the Defendant hereby certifies that he has conferred with his client with a view to establishing a budget for the costs of conducting the full course of the litigation and to consider the resolution of the litigation through the use of alternative dispute resolution programs. Defendant's certification signed by a representative of Defendant will be filed at the conference or under separate cover.

The parties reserve the right to supplement this statement should it become necessary to do so.

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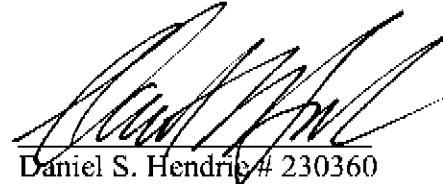
Respectfully Submitted,

Dale Sylvaria,  
By Her Attorney,



Stephen T. Fanning #542343  
305 South Main Street  
Providence, RI 02903  
401-272-8250  
401-272-4520 (FAX)

Coastline Elderly Services, Inc.  
By Their Attorney,



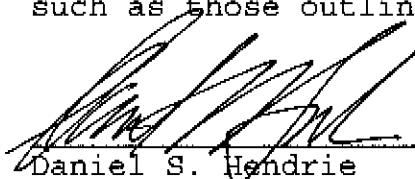
Daniel S. Hendrie # 230360  
Hendrie & Hendrie  
38 Rock St.  
Fall River, MA 02720  
508-674-1960  
508-674-2189 (FAX)

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CERTIFICATION OF DEFENDANT AND COUNSEL

We, the undersigned, affirm that we have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course ----- and various alternative courses ----- of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in L.R. 16.4.



Daniel S. Hendrie  
Counsel for the Defendant  
Hendrie & Hendrie  
38 Rock Street  
Fall River, MA 02720  
(508) 674-1960  
BBO #: 230360



Charles N. Sisson, EXEC DIRECTOR

CHARLES N. SISSON  
Authorized representative  
of the Defendant  
Coastline Elderly Services,  
Inc.  
1646 Purchase Street  
New Bedford, MA 02740

Dated: May 11, 2004